

2015 HOUSE HUMAN SERVICES

HB 1350

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Fort Union Room, State Capitol

HB 1350
1/28/2015
Job #22730

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Vicky Crabtree

Explanation or reason for introduction of bill/resolution:

Provide a shelter and assessment pilot project for at-risk youth; provide an appropriation and a report.

Minutes:

Testimonies 1-5

Chairman Weisz called the hearing to order on HB 1350.

Rep. Curt Hofstad: From District 13 introduced and supported the bill. HB 1350 will provide a facility for youth who are at risk to be assessed and treated in a safe environment. For some time now I have become increasing aware that something needs to change to help you in crisis in our region. After talking to members of the court, law enforcement and those involved with the responsibility of counseling youth at risk, I am convinced that we in our area are in crisis. The last interim the House Human Services Committee focused on behavioral health as well as the Schulte study. Those that follow me will articulate for you those problems and issues. They work and live in that environment every day. We have many disparity challenges in part because of our proximity to the Spirit Lake Nation and their disproportionate high poverty rate. We have no detention for delinquency. There was a federal investigation on the Spirit Lake Nation and those issues and problems have not gone away. What came out of the interim committee is a bill that deals with many of these same issues and that bill is SB 2448 which is referenced in HB 1350. That bill establishes a pilot program for mental health assessment network. This bill ducktails and fits into that concept and could be utilized and the two could work well together. The bill itself provides for the department to contract with nonprofits to provide for the pilot project. Youth Works has a model fits well with the issues and the problems that we see and have.

4:40

Chairman Weisz: The money in this bill, does this include bricks and mortar?

Rep. Hofstad: Yes it does.

5:21

Donovan Foughty: District Judge of the NE Judicial District testified in support of the bill. (See Testimony #1)

14:10

Rep. Mooney: Could we get a copy of the data you had in your testimony?

Donovan: I'll get you that. Most of this data came from the "Kids That County" report by NDSU. The information from BIA is the numbers that were provided to me and I don't know if they are accurate or not.

Rep. Hofstad: Take us through a day in your life on the bench regarding juveniles.

Donovan: We have many services in the DHS

Foughty: Do you want me to talk about the juvenile court or criminal court.

Rep. Hofstad: Let's talk about the people in your juvenile court to begin with.

Foughty: We've seen a decrease in service availability for juveniles in our area of the state. We lost the treatment center east of town and one in Cando. Our opportunities to do things and keep people in the community are very low. We need a facility so we can be of assistance to law enforcement. They are making difficult decisions out in the field at this time. In our county we have less kids in detention than we had a detention center in Devils Lake. There are decisions being made out in the field and they aren't necessarily good ones. When law enforcement goes to a home with meth or drugs and children are there. They may put the children with another relative. They are making decisions quickly, but I don't think they are good decisions because the assessments are being completed. This is a letter of support for HB 1350 from the tribal elders from Spirit Lake. (Read it into the record) (See Testimony 2)

24:22

Rep. Fehr: Can you talk about the non-secure shelter.

Foughty: We aren't talking about detention. We are talking about kids that are unruly or deprived. We want a place that has secured provisions in a facility like this, but they are not locked up and that is what we want. We are hopefully going to get detention in the next 6-7 months in Devils Lake, but that is not a sure thing either.

Rep. Fehr: I am assuming you will end up with kids that are suicidal and with a non-secure facility, how do you know they are not going to disappear in the middle of the night?

Foughty: When I say non-secured facility that means you have alarm systems. There are probably better people than I that know about those details.

26:42

Nancy McKenzie: Executive Director of PATH ND testified in support of the bill. (See Testimony #3)

29:35

Tom Rime: Director of Benson Social Services testified in support of the bill. (See Testimony #4)

33:12

Rep. Fehr: I know there have been attempts in the past to try to create a residential private entities. Can you give us a sense when someone tries to take on doing something and why that has not grown?

Rime: I think it reflects the changes in needs. Jurisdiction changes over time, the BIA, Tribal Social Services, Benson and Ramsey County Social Services; the needs have changed and there are fluctuations in where the population moves and where the needs are in terms of behavioral health issues. We have learned a lot about best practices and the appropriate approach to these matters. We collaborate with other partners in the region. We are bringing all these moving parts together and creating something that is quality and lasting.

Rep. Seibel: How large of a facility are you talking about because the need sounds great?

Rime: Start with up to 15 beds.

Rep. Seibel: What is short term shelter?

Rime: It could be a matter of 24 hours or less. We could look at the child and situation before they are placed somewhere else. It could be 60-90 days if they need some treatment. We don't anticipate anything longer than that in general.

Rep. Rich Becker: This is a pilot projects and they are intended to identify a need and then answer as much as possible a successful ending to that need. My concern is, are we thinking big enough? If there are \$6 million total and the bill is asking for \$750,000, to me it might be better to go with a larger facility. My concern is, if we start small we are not going to encompass enough things to really modify and make a change.

Rime: There are people here today they have had the discussion of size of the facility and are continuing at answering that very question. We are trying to get across that this is part of the region of the state has been overlooked. If the partnerships can come together and the support were there they could address more of the continuum of care could exist within a single facility. We urgently need to get a start on addressing this issue and the potential of expanding this facility is there.

Rep. Rich Becker: For the \$750,000 that you are requesting as part of the bill, how much of that is brick and mortar and how much is programs?

Rime: We are looking at existing facilities that may be able to be upgraded with bricks and mortar or some kind of modifications. And we may have to build something. You would be looking at about \$500,000 operating annual budget for a 15 bed facility. There may be

some grants out there for supportive funding. If we have to build a new facility I would think that number would be inadequate.

Rep. Fehr: Who would make the decision on who would be admitted?

Rime: We have discussed the formulation of the board who would oversee the facility. We talked about doing an RFP to bring in some agency that has already been doing this kind of work with the same type of youth and challenges. There are some requirements for the staffing levels and capabilities and you would have an intake director and coordinator that would have decision making responsibilities and many more.

Rep. Fehr: How do fund and sustain something long term?

Rime: We have had those discussions and working on the details. Medicaid funding could be one source; being licensed so we can get funding through foster care. There are dollars out there if you have the right licensing.

47:34

Patty Rime: Juvenile Court Officer III in Devils Lake.(See Testimony #5)

55:53

Rep. Mooney: Are most of the kids shipped over to Grand Forks then?

P. Rime: Most of the kids go home which we have a hard time with because 90% of these kid's parents have their own issues. It takes repeated events for this to happen. Some parents my sign their kids in for treatment.

Rep. Mooney: Right now the kids are cycled back to home environment until they escalate to point where it is deemed out of control and then they are cycled over to Grand Forks.

P. Rime: Yes. To detention Grand Forks.

Rep. Fehr: How many kids in the last 6 months have you had to deal with that could use a facility like this?

P. Rime: At least 50.

Rep. Fehr: Are you referring to Mercy Hospital when you referred to hospital?

P. Rime: Yes I am.

Rep. Fehr: When might Mercy Hospital be a resource for admitting someone and under what circumstances do they ever do that?

P. Rime: I would like to see partners coming together. I'm used to working in multi-disciplinary environment and that needs to be stronger. I would like to see them be apart of this. When Grand Forks has a suicidal kid then they can go there and be assessed and

find out if they are suicidal. Our hospital needs to hear this and be a part of it and brought in as part of the team.

Rep. D. Anderson: Is there any way we can get ideas how to break this cycle?

P. Rime: One answer is I'm here because I am not giving up. More staff is needed. Breaking the cycle will never begin to happen until we can see some of these kids and help them.

Scott Davis: Executive Director of the ND Indian Affairs Commission testified. The DHS has helped us out up in the Devils Lake area. Chairwoman Pearson has always been open and very trustworthy and I am trying to get them to reconsider their control of social services in the Spirit Lake region within the tribe. I think my colleagues would agree with me that we are very frustrated with the BIA at times and how they have control of the situation at times. With child placement and information and even their budget because we have a lot of kids that are in limbo. The wonder where the kids are with BIA involvement and we on the state side know where every child is. My position on this is to influence the tribe in a respectful way and how to relook at their control of social services. Right now it is very hard and I can see the burn out of those working there in social services. I personally mentor one boy at the Boys and Girls Ranch because he has no relatives at all. I work with Dakota Boys Ranch and I give kudos to PATH, Youth Works, Charles Hall Youth and I work with all of them and we all have a stake in this. How does the tribe create stability within the reservation? How do have less politics when you have a chairman that comes and goes with elections. It creates a huge wave for my colleagues and me. How do we create a good court system up there. We have some good judges. Creating jobs is a big thing. I've had talks with the new refinery CEO and how do we create some jobs with the tribe here? I've been working all those ends. I don't think we need to be territorial and there are ways we can work together on that. Our Chairwoman said there are some bricks and mortar up there. There is a hospital available that they are trying to refurbish for a youth detention center. We have to give these kids a chance. I have challenged the tribe and tribal court system about extradition. If I was dealing drugs and got caught, but got away and went to Spirit Lake, under state and tribal law you can't touch me. About a month ago they finally passed extradition laws. I'm very excited about that.

1:14

NO OPPOSITION

Chairman Weisz closed the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Fort Union Room, State Capitol

HB 1350
2/10/2015
23474

- ☐ Subcommittee
☐ Conference Committee

Chmonela Muscha

Explanation or reason for introduction of bill/resolution:

Provide a shelter and assessment pilot project for at-risk youth; provide an appropriation and a report.

Minutes:

Chairman Weisz: Opened discussion on HB 1350. It was a pilot project for Devils Lake that had a tiny amount of money in it.

Representative Hofstad: Run it through as it is.

Chairman Weisz: Do you have another suggestion?

Representative Hofstad: I realize that this has a high hurdle to jump through. 750 for Brick's-n-Mortar is a problem. There are other avenues out there and I think this program can dig tail into them. I would like to see this go forward to make sure the conversation stays alive so I would offer the amendment to strike the money out of this bill.

Chairman Weisz: and delete section two.

Representative Hofstad: Delete section two and carry the idea forward. I move that amendment.

Representative Fehr: Second. I think it is important to send this bill forward. Devils Lake is a smaller community, yet one of the hub communities and they have a real dire need for services in that region.

Chairman Weisz: The amendment is to delete section 2 which is the appropriations, which means we don't have to send it to approps.

Representative Hofstad: After consultation with the chairman, I am going to amend the motion and leave section two in and amend the 750 to 4900 dollars. Looking at the bill, it would appear that if we leave section one in there without any appropriation it would still require getting a fiscal note on it. I would amend my motion to bring it down to 4,900 dollars.

Representative Fehr: Second

Chairman Weisz: So we have a motion to change on line 14 750 to 4900.

Representative Becker: For educational purposes, we are trying to keep this bill alive and that is why the reduction to 4900 was made; but what are we saying if it somehow survives the appropriations committee. What can we do with 4900 dollars? Would there be an opportunity to raise it back up?

Chairman Weisz: It won't go to appropriations, so it will go over to the senate and the assumption is, as the time goes on if it can fit in with everything else we are trying to do the senate will increase the dollars. Then it will end up in conference committee and we will have that discussion over what the final numbers should be to keep this alive. If it dies in the house it is gone.

A Voice Vote Was Taken: Motion carried

Representative Hofstad: Moves a do pass as amended

Representative Damschen: Second

A Roll Call Vote Was Taken: Yes 13, No 0, Absent 0

Motion carries

Representative Fehr will carry the bill

15.0390.01001
Title.02000

Adopted by the Human Services Committee

February 9, 2015

SL
2/9/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1350

Page 1, line 14, replace "\$750,000" with "\$4,900"

Renumber accordingly

Date: 2-9-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1350

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: See below

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Hofstad Seconded By Rep. Lehr

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen					
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Page 1 line 10 Replace \$750,000 with \$4,900

Date: 2-9-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1350

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: 15.0390.01001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Hofstad Seconded By Rep. Damschen

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Mooney	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vice-Chair Hofstad	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Muscha	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Bert Anderson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Oversen	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Dick Anderson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Rich S. Becker	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Damschen	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Fehr	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Kiefert	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Porter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Seibel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Fehr

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1350: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "\$750,000" with "\$4,900"

Renumber accordingly

2015 TESTIMONY

HB 1350

#1

HOUSE BILL 1350
Testimony in support Donovan Foughty
HOUSE HUMAN SERVICE COMMITTEE
Representative Robin Weisz, Chairman
January 28 2015

Good morning, Chairman Weisz and members of the Committee. My name is Donovan Foughty. I am a District Judge of the Northeast Judicial District, which encompasses the northeast quarter of the state. I have been a trial judge for over 28 years. I am here today to speak in favor of House Bill 1350.

Thank you Representative Hofstad and the other sponsors of this bill. In our area of the state there is a need for a short-term shelter for assessment and intervention services for at risk youth. My understanding in reading the bill the Lake Region Human Services Region is Region III which includes; Ramsey, Benson, Towner, Rolette, Eddy and Cavalier Counties. Turtle Mountain and Spirit Lake Nations are in Region III.

Our area of the state has experienced long standing mental health care disparity challenges. Presently in Region III we have no adolescent psychiatric beds, no substance abuse treatment beds, no safe beds for "heightened, but not imminent risk adolescents", no detox for adolescents and no detention for delinquency. The closest youth detention center for the City of Devils Lake is 90 miles away. For Spirit Lake it is close to 200 miles away.

In 2013 there were 1,812 children in foster care in North Dakota. This does not include 638 BIA cases. In Region III there were 201 children in foster care. This does not include the 206 minors in Spirit Lake/BIA foster care. I am not sure what the foster care numbers are for Turtle Mountain. Benson and Rolette Counties make up two of the three counties in North

Dakota having “persistent poverty”. Persistent poverty related to time wherein poverty has been identified over the past three census decades.

Region III has 6% of the state’s population, but has 38% of all TANF (Temporary Assistance for Needy Families) families. We have 7% of the state’s youth population, but comprise 41% of all North Dakota youth who are on TANF (July 2014 data). Our TANF population is more than twice that of any other region.

In Benson County 50% of children 0-17 live in poverty, another 14% lives near poverty. In Rolette County 47.5% of children 17 and younger live in poverty and another 15% live near poverty. For Region III 36% of children live in poverty with another 13% living near poverty. Statewide the number of children 0 to 17 living in poverty is 15%. The median income for families with children 0-17 in Region III is \$33,335.00, the state average is \$68,658.00. In Rolette County the median income for families with children is \$29,792.00. The only two counties in the state that have more actual people living in poverty than Rolette County are Cass and Ward Counties (Cass 3,766 = 11.7%, Ward 2,244 = 16%, Rolette 2,159 = 47.5%). The only county in the state that has a higher poverty rate as a percentage of their population than Benson County is Sioux County (Sioux 881 = 59%, Benson 1,096 = 50%).

In Region III 65% of the total births are to unmarried women. The statewide rate to unmarried women is 32%. In Region III 13% of births are from teenage mothers. The state average is 5% births come from teen mothers. In the two most impoverished counties in Region III the birth to unmarried mothers is 75% in Benson County and 78% in Rolette County. In Rolette County 18% of babies born in 2012 were from teenage mothers and 15% in Benson County.

I apologize to the Committee for throwing all these statistics at you, but I have found that it is the easiest way for me to illustrate that not everyone in North Dakota is sharing in the states extraordinary prosperity.

I have not quantified it, but in Region III my overall impression is that the criminal drug problem is worse now than it has ever been. I also believe minor children are suffering significantly because of this drug problem. Too many babies are being born withdrawing from meth, heroin and alcohol. Too many children are growing up in the toxic drug environment.

We need a facility in our area of the state to serve as a safe harbor for children where professional assessments can be done to determine first, whether the environment the child now lives in is safe and then determine what services may be appropriate. My view is that this facility would be used by law enforcement, social services, schools and the juvenile court. This facility would also be available to Spirit Lake and Turtle Mountain Tribal Nations.

I believe this assessment center is consistent with the recommendations of the Shulte Consulting Report of July 2014 and the Federal Attorney General's Report on Native Children at Risk Committee co-chaired by Senator Byron Dorgan.

Thank you for your time and consideration. I see there are others here with prepared remarks. At the chairman's pleasure I am prepared to answer questions now or wait until all those with prepared remarks are finished. He is a member of the Public Safety, Judicial and Criminal Justice Commission, Three Affiliated Tribes, Fort Berthhold Reservation in North Dakota.

DISTRICT JUDGE DONOVAN FOUGHTY

Judge Foughty is a district judge of the Northeast Judicial District in North Dakota. He was admitted to the State Bar in 1983. He began his judicial career by election to the county bench in 1987. He was elected to the district bench in 1995 where he continues to serve.

Judge Foughty has served as a trial judge in tribal courts in North Dakota and as an appellate court judge for the Northern Plains Intertribal Court of Appeals in Aberdeen, South Dakota. He has also served by assignment on the North Dakota Supreme Court.

Judge Foughty chaired the Tribal/State Court Forum in North Dakota with a final report being submitted to the Chief Justice in December of 1993. He chairs the standing Committee on Tribal and State Court Affairs. He is a past chair of the Judicial Conduct Commission. He co-chaired the North Dakota Commission to study Racial and Ethnic Bias in the Courts submitting a final report to the Chief Justice in June of 2012. He now sits as chair of the Minority Justice Implementation Committee. He sits on the board of directors of the National Consortium on Racial and Ethnic Fairness in the Courts and is chair of its Ad Hoc Project Committee.

#7

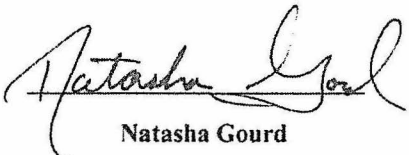
Letter of Support
House Bill 1350 – Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
January 28, 2015

Chairman Weisz, members of the House Human Services Committee, We are the Wodakota: Traditional Court Elders from the Spirit Lake Nation. The Wodakota: Traditional Court a division of the Spirit Lake Tribal Court are writing to urge your support for HB. Section 1350 of that bill, creating a shelter, assessment and treatment pilot for at risk youth in Region III. This includes youth from the Spirit Lake Nation. Our Nation does not have the facilities to house youth who are either picked up for an unruly child nor do we have facilities to house youth whom are in need of an immediate shelter due to foster care placement issues within the exterior boundaries of the Spirit Lake Nation.

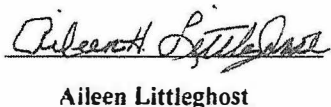
At any given time, the BIA Social Services which took over Spirit Lake Tribal Social Services in September of 2012 has 40 youth who are in foster care. This past year alone since October 2014 thru December 2014 there have been 171 cases opened for youth whom have been displaced due to neglect in their homes. In the year 2014 there have been 91 juvenile apprehension & detention orders from the Spirit Lake Juvenile Division of Court. In 2014 juveniles have been transported and housed to Woodbury, Iowa, Lower Brule, South Dakota and now New Town, North Dakota. Majority of these facilities only offer limited services if any to the youth. If a youth gets into trouble on the reservation. A BIA Law Enforcement Officer has to take a day to transfer that youth over to New Town, ND which is our nearest facility. Which means that we have an officer that isn't able to patrol the safety of the reservation. We are already short staffed on patrolling officers. Building an assessment center would help alleviate the issue of having to short the BIA Law Enforcement and also offer much needed services to underserved youth in our community.

This lack of services to at risk youth in our community is appalling. We are committed to help in any way that we can. In March of 2014, the Wodakota: Traditional Court was adopted under the Spirit Lake Law & Order Code to serve as a diversionary court system for these same under served youth. We offer cultural intervention/prevention services to the youth of the Spirit Lake Nation. As descendants of chiefs from the Mni Wakan Oyate and the great grandmothers and great grandfathers of the youth of the Spirit Lake Nation. We urge support for this bill in order to help the children of the Spirit Lake Nation. Thank you very much for your consideration.

Wawohoda Ota, (Respectfully).


Natasha Gourd

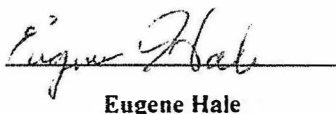
Wodakota: Traditional Court Director


Aileen Littleghost

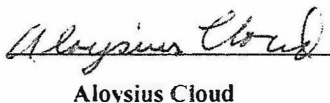
Wodakota: Spirit Lake Nation Elder


Peter Belgarde JR.

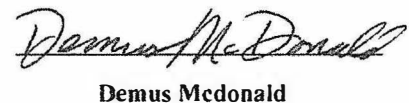
Wodakota: Spirit Lake Nation Elder


Eugene Hale

Wodakota: Spirit Lake Nation Elder


Aloysius Cloud

Wodakota: Spirit Lake Nation Elder


Demus McDonald

Wodakota: Spirit Lake Nation Elder

**Testimony
House Bill 1350
House Human Services Committee
Representative Weisz, Chairman
January 28, 2015**

Chairman Weisz, members of the House Human Services Committee, I am Nancy McKenzie, Executive Director of PATH ND. As a provider of behavioral health services, PATH is testifying today in support of HB 1350, to provide for a shelter and assessment pilot project for at-risk youth in the Lake Region area.

PATH has been an active service provider in the Devils Lake and Turtle Mountain areas for over 20 years. Currently, we have a number of treatment foster homes and trauma-trained staff and foster parents that provide services in this region. Turtle Mountain has been a growing coverage area for us; caseloads have increased and we are currently adding another treatment foster care worker in that area. In Devils Lake, we have worked with the Department of Human Services and the Spirit Lake reservation staff to provide quality child welfare services via a special contract for this purpose.

In addition, PATH has provided assessment for at-risk youth through a program that provides short-term care for youth with mental health and substance abuse issues. In this program, youth are placed in a specialized foster home and receive assessment services designed to determine the most appropriate level of care and treatment required.

Through our work in this region over many years, we are able to attest to the needs for the services proposed in this bill. PATH is working with a number of partners to develop a formal network of assessment and services for youth to better serve them in their home communities. While providing care to youth, we work closely with families to prepare for reunification. 80% of those we serve in treatment foster care either return to their homes or move to a less restrictive level of care.

PATH has also testified in support of SB 2048, to establish the statewide mental health assessment network. We are extremely aware of the needs of the community, and believe that additional services as described in HB1350 will further improve access for youth and families of this region.

We urge your support on this bill. Thank you for the opportunity to testify before you today. I would be happy to answer any questions you may have.

4

Testimony in Support of HB 1350 Department of Human Services

House Human Services Committee, Representative Robin Weisz, Chair

January 28, 2015

Chairman Weisz, members of this committee, I am Tom Rime, Director of Benson County Social Services, and I am here to voice my strong support for this bill.

Even prior to the release of the behavioral health reports, I and other colleagues in the Lake Region including my county, Spirit Lake Nation, Devils Lake and the surrounding counties were seeing an urgent need for some type of residential assessment center for youth and their families in the region. Following the release of those studies, the interim Human Service Committee forwarded a recommendation for the formation of a network of such assessment centers throughout the State of North Dakota, with a recommendation that Six Million Dollars be allocated for the implementation of this network.

Because our region does not contain one of the several larger cities in North Dakota, it can sometimes be overlooked for such projects, and in my short tenure as Director, I have seen a significant reduction in services even in the face of the very profound poverty in the region and particularly at Spirit Lake. This poverty contributes to neglect and abuse of children through substance abuse, domestic and sexual violence and an overall feeling of helplessness and hopelessness. It also contributes to many tribal members moving to Devils Lake to attend school, find jobs, do their shopping and also much of their social activities in the area. These same issues also plague much of the rest of the non-native population in the region as the poverty, substance abuse and violence are in no way limited to our native friends and neighbors, but are a problem throughout my county and Devils Lake in general.

I have seen many instances where a single parent or both parents are arrested and taken to jail, often as a result of alcohol and drug abuse leading to violent behavior or some other illegal activity which occurs in front of their children. As a resident of Devils Lake, I am also aware of countless situations where youth are found unattended in a home, or out roaming the streets after curfew and often under the influence of drugs or alcohol themselves, and Social Workers and Law Enforcement officials have nowhere safe to take them for the immediate and short term. Having a residential youth and family assessment center in Devils Lake would give those officials in the region, including Spirit Lake, a safe place to take these children, and a setting in which their immediate needs, behavioral health issues and family structure and dynamics could be professionally assessed before either returning the children home or placing them with a relative or in another appropriate setting.

There is an absolutely critical need for this particular service in this impoverished and struggling region of the state. Rather than raising potential system-based obstacles to making this work, I urge everyone involved to work more closely together to find solutions, and I fervently ask this committee to support House Bill 1350 and move it forward in the legislative process. We are asking for but a small portion of

the 6 million you have recommended to create this network of assessment centers, but it would have a large and profoundly positive impact youth and families in our region. Thank you

#5

TESTIMONY OF SUPPORT BY PATTY RIME
HOUSE BILL 1350 - DEPARTMENT OF HUMAN SERVICES
HOUSE HUMAN SERVICES COMMITTEE
REPRESENTATIVE ROBIN WEISZ, CHAIR
JANUARY 28, 2015

Chairman Weisz, members of this committee, My name is Patty Rime, Juvenile Court Officer III, which includes the responsibility for supervising the Juvenile Court office in Devils Lake overseeing Benson, Towner and Ramsey Counties. I would like to preface my comments with the statement that my opinions in this testimony are not meant to reflect those of the judiciary or for the other Juvenile Courts across the state of North Dakota.

I am here to express my strong support for House Bill No 1350. We do have some crisis situations in regard to early intervention and I want to support services to improve prevention and early intervention with at risk juveniles in our local community. Currently we are seeing many younger juveniles coming into the Juvenile Court system and many of them eventually ending up in out of home placement, such as foster care, residential treatment in other cities in North Dakota or out of state, detention in Grand Forks or the Youth Correctional Facility. All of these placements come with heavy costs and many times these juveniles end up staying in the system longer often until they age out which keeps the cost of caring for them very high. It is my hope with new evidenced based services, including shelter beds, assessment beds and treatment beds in our local community we can reduce the costs associated with how we address the at risk juveniles in our community. Research shows placing juveniles who are at lower risk or juveniles that with unaddressed mental health services being placed out of the home can actually do more harm than good. Often times this is because they are then taken from their community and family and placed with higher risk juveniles. I do believe with quality local assessments beds in our community we could avoid taking many children away from their families and our community by getting quality intervention as soon as possible.

I grew up in Devils Lake where I graduated from high school, went on to the University of North Dakota and then started my career in Rochester, MN as a both a supervisor of and a probation and parole officer for almost 20 years. I was excited to return to North Dakota to continue my career in Corrections in the city I was born and raised. This month marks my third year working in the Lake Region area of Devils Lake, ND. I knew before I moved back there would be fewer services than I was accustomed to in Minnesota because of the rural area of the Lake Region. However, I was shocked at the lack of services for juveniles in the area and since I have come to Devils Lake I have been concerned as I continue to see the already scarce services continue to dwindle. Devils Lake lost its juvenile detention center and a private provider that delivered services to juveniles and their families for adolescent alcohol and drug treatment in the last two years.

In 2013 and 2014 Juvenile Court had 380 and 250 referrals respectively. These referrals come from law enforcement, social services, parents and the schools. Those numbers do not include the juveniles of parents who call our office asking for help in parenting or controlling their child or juveniles law enforcement encounter in the community who have untreated mental health issues such as being suicidal or severely depressed. Law Enforcement is routinely asking where they can take this child for help.

As I said earlier I am in strong support of House Bill 1350 because I see what the larger cities in North Dakota have for services and I also worked in Community Corrections in a larger city for twenty years in Minnesota where I saw firsthand how having a local evidenced based continuum of services with prevention and early intervention efforts

can be successful at diverting juveniles out of the system and keeping them in their homes with their families or determining the individualized appropriate therapeutic or correctional interventions they need as individuals.

In our rural area the choices are profoundly limited which is not contributing to the success of strengthening juveniles and their families. We do what we can with the limited community resources we have however it is clear many of our juveniles have greater needs than what we can provide for locally. One of those needs is having a safe and stable environment with competent staff to assess and observe the juvenile as well as meet with the juvenile's family to take the time needed to make improved recommendations for the direction we take in regard to what types of intervention may be best for the child and his/her family. The goal would be to prevent out of home placement or the child being drawn into the Juvenile Court or Division of Juvenile Services system. If a child was assessed to be in need of a short term residential treatment program and it was local I believe we could have more success because the family would be close by and could be more involved and included in the treatment with the hope of strengthening both the child and family.

I would like to share a few examples of incidents where a shelter care bed or assessment bed could have been a great benefit for juveniles in crisis in our jurisdiction.

Last week I contacted the Devils Lake School Liaison Officer, Ben Harkness and shared with him I was going to be testifying at your committee and I asked him what he thought of our community having local assessment beds for juveniles. He immediately rattled off the full names of 8 juveniles, two from our middle school and 6 from the elementary schools. The children he was referring to range in age from 7 to 11 years old.

These young children are notorious in their schools because of ongoing escalating serious behavioral or mental health problems. When these children are initially identified, the school works with the child and parent to intervene by making referrals for services or making adjustments at school or other plans to address the child's issues. Some of these children are so troubled the school eventually calls law enforcement in for assistance as a last resort.

I am going to describe some of the more serious behaviors we have seen from these identified at risk children in the elementary schools.

A seven year old child's behavior escalated to the point he was disrupting not only his class but the classrooms nearby by becoming violent and shouting out threats using shocking vulgar language that he was going to kill the teacher. He was eventually put in a room by himself with the staff continuing to observe until law enforcement arrived. This child was in a rage and continued yelling vulgarities and threats towards others as he tore down all the blinds from the windows and tore the electrical outlets out of the wall in the classroom. This was one of many incidents with this child over time.

We had an eight year old whose behavior escalated to the point he attempted to stab a maintenance staff person with a fork. This was also one of many incidents in the school that eventually escalated to violence.

We have had behaviors that involve threats from the child to kill others and bomb the school, while they kick, bite and hit teachers. I know of one incident where the principal's entire chest was black and blue from trying to hold a child to calm him and keep him from harming others while law enforcement was en route to the school.

There are times the School Liaison Officer's presence can de-escalate the situation and there are times that does not work. Initially when the child's behavior is escalating at school what occurs is the parent is called to take the child home because of suspension. Other times the child ends up in the back of a squad car with the officer calling

Juvenile Court and asking where to take the child to get help. The officer is hesitant to cite a 7 – 11 year old and asks if there is something we can do to address what he sees as either serious behavioral or mental health issues. Other than returning the child home or citing the child with a delinquent offense and driving them to Grand Forks Juvenile Detention Center we have very few options. Sometimes we have the parents involved and then there are times we cannot reach them. I have been directing the officer to bring the child to the Human Service Center and have the parent meet them there and talk to the mental health staff there to assist the child and parents in this time of crisis. What typically happens is the child returns home. Even if community services are put in place, it seems we come back full circle and the child is acting out in school again. After so many incidents or calls, the officer usually will cite the child with Disorderly Conduct or Disruption of Public School which are delinquent offenses. This is often the beginning of the child getting placed deeper into the Social Service or Division of Juvenile Services system. It has been felt at times the schools and officers seem to believe the only way these young children can get help is to cite them so they have to come to Juvenile Court where they hope the child and parent will be mandated to cooperate with services.

This concerns me, and I believe an assessment bed would be ideal and serve the children better in these situations so we can learn more about the child and his family by having a longer period of observation, collecting collateral contacts for additional information and meeting with the family before making quick decisions in a local out-patient setting for one or two hours.

Another example which involves Law Enforcement in our area and creates frustration for many including the parents is when an officer is called (usually late or in the middle of night) for a child threatening to kill or harm themselves. I have been called at home by Sheriff's Deputies from Ramsey, Benson, Towner and Eddy Counties as well as the Devils Lake and Cando Police Departments asking what to do with not only these type of children but also for runaways or other status offense children who appear at risk. On some occasions it may be a teenage boy or girl fighting or threatening their parents and it appears the best response in the middle of the night would be to take the child to a safe bed or assessment bed to disrupt the situation and take a fresh look at what is going on with this child or family by having them assessed. When officers have a suicidal child they will call and ask what to do. I direct them to call the Crisis Staff on call at the Human Service Center and ask the staff to meet the officer with the child at either Mercy Hospital (It is my understanding Mercy Hospital's practice has been to turn away juveniles who are at imminent risk of suicide) or a conference room at the Law Enforcement Center in Devils Lake for a suicide evaluation. I also inform the officers they do have the option of driving to Altru Hospital in Grand Forks where they do handle mental health cases of juveniles. All of this takes up much of the deputies' shift and it pulls the deputy out of their local jurisdiction which means they are not in their jurisdiction to take other police calls. This is an excellent example of times when assessment beds locally would be in the best interest of the child, the family, law enforcement and the community.

These are just a few of a multitude of cases where additional services in our rural area would be in the best interest of our children and their families. Having improved services where children could be assessed in a safe environment, would also assist us in getting more information to clarify what our long term needs are if our goal is to provide better early intervention and/or prevention service to keep more children out of the system and keep them in their family homes whenever possible.

I support this bill and I am thankful for the time you have given me to express that support.